

1      Vanessa R. Waldref  
2      United States Attorney  
3      Eastern District of Washington  
4      Matthew A. Stone  
5      Assistant United States Attorney  
6      Michael D. Murphy  
7      Assistant United States Attorney  
8      402 E. Yakima Ave., Suite 210  
9      Yakima, WA 98901  
10     Telephone: (509) 454-4425  
11  
12

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUN 07 2022

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRANDON KELLY ROOT,

Defendant.

1:22-CR-2063-SMJ

INDICTMENT

Vio.: 18 U.S.C. §§ 1153, 1111  
Crime on Indian Reservation  
Second Degree Murder  
(Counts 1 -2)

18 U.S.C. §§ 1153 and 1112  
Crime on Indian Reservation  
Involuntary Manslaughter  
(Counts 3 - 4)

18 U.S.C. §§ 1153, 113(a)(6)  
Crime on Indian Reservation  
Assault Resulting in Serious Bodily  
(Counts 5 - 6)

The Grand Jury charges:

## 1 COUNT 1

2 On or about June 11, 2017, in the Eastern District of Washington, within the  
3 exterior boundaries of the Yakama Nation Indian Reservation, in Indian Country,  
4 the Defendant, BRANDON KELLY ROOT, an Indian, unlawfully killed M.G.,  
5 with malice aforethought, all in violation of 18 U.S.C. §§ 1153, 1111.

## 6 COUNT 2

7 On or about June 11, 2017, in the Eastern District of Washington, within the  
8 exterior boundaries of the Yakama Nation Indian Reservation, in Indian Country,  
9 the Defendant, BRANDON KELLY ROOT, an Indian, unlawfully killed J.C., with  
10 malice aforethought, all in violation of 18 U.S.C. §§ 1153, 1111.

## 11 COUNT 3

12 On or about June 11, 2017, in the Eastern District of Washington, within the  
13 exterior boundaries of the Yakama Nation Indian Reservation, in Indian Country,  
14 the Defendant, BRANDON KELLY ROOT, an Indian, unlawfully killed M.G.,  
15 while in the commission of an unlawful act not amounting to a felony, that is: 1)  
16 by operating a vehicle in willful and wanton disregard for the safety of persons and  
17 property contrary to Wash. Rev. Code § 46.61.500; and 2) while operating a motor  
18 vehicle while under the influence of or affected by alcohol contrary to Wash. Rev.  
19 Code § 46.61.502; in that BRANDON KELLY ROOT operated a motor vehicle  
20 without due caution and circumspection and with a wanton and reckless disregard  
21 of human life, and knew that his conduct imperiled the lives of others and had  
22 knowledge of such circumstances as could reasonably be said to have made  
23 foreseeable to him the peril for which his acts might subject others, all in violation  
24 of 18 U.S.C. §§ 1153, 1112.

1 COUNT 4  
2

3 On or about June 11, 2017, in the Eastern District of Washington, within the  
4 exterior boundaries of the Yakama Nation Indian Reservation, in Indian Country,  
5 the Defendant, BRANDON KELLY ROOT, an Indian, unlawfully killed J.C.,  
6 while in the commission of an unlawful act not amounting to a felony, that is: 1)  
7 by operating a vehicle in willful and wanton disregard for the safety of persons and  
8 property contrary to Wash. Rev. Code § 46.61.500; and 2) while operating a motor  
9 vehicle while under the influence of or affected by alcohol contrary to Wash. Rev.  
10 Code § 46.61.502; in that BRANDON KELLY ROOT operated a motor vehicle  
11 without due caution and circumspection and with a wanton and reckless disregard  
12 of human life, and knew that his conduct imperiled the lives of others and had  
13 knowledge of such circumstances as could reasonably be said to have made  
14 foreseeable to him the peril for which his acts might subject others, all in violation  
15 of 18 U.S.C. §§ 1153, 1112.

16 COUNT 5  
17

18 On or about June 11, 2017, in the Eastern District of Washington, within the  
19 exterior boundaries of the Yakama Nation Indian Reservation, in Indian Country,  
20 the Defendant, BRANDON KELLY ROOT, an Indian, willfully assaulted J.A.,  
21 resulting in serious bodily injury, by driving a vehicle while under the influence of  
22 or affected by intoxicating liquor and by driving a vehicle in willful or wanton  
23 disregard for the safety of persons or property, all in violation of 18 U.S.C.  
24 §§ 1153, 113(a)(6).

25 COUNT 6  
26

27 On or about June 11, 2017, in the Eastern District of Washington, within the  
28 exterior boundaries of the Yakama Nation Indian Reservation, in Indian Country,  
the Defendant, BRANDON KELLY ROOT, an Indian, willfully assaulted Minor  
1, resulting in serious bodily injury, by driving a vehicle while under the influence

1 of or affected by intoxicating liquor and by driving a vehicle in willful or wanton  
2 disregard for the safety of persons or property, all in violation of 18 U.S.C. §§  
3 1153, 113(a)(6).

4 DATED this 7<sup>th</sup> day of June, 2022.

5  
6  
7  
8  
9   
10 Vanessa Waldref

11 Vanessa R. Waldref  
United States Attorney

12  
13   
14 Matthew A. Stone  
15 Assistant United States Attorney

16  
17   
18 Michael D. Murphy  
19 Assistant United States Attorney